

IV. AMENDMENTS TO THE DRAWINGS

- THE DRAWINGS OF THE PATENT IS HEREBY AMENDED AS SET FORTH BELOW:

- There are no amendments to the drawings.

V. REMARKS

- STATUS OF THE CLAIMS

Claims 2-14, 16-38, 40 and 41 had been allowed in the previous *ex parte* Quayle action. However the Examiner now rejects each of the claims for failing under 35 U.S.C. §112, first and second paragraphs.

- REJECTIONS

- Rejection Under 35 U.S.C. §112

- Examiner's Stance

The Examiner indicates that claims 2 – 14, 16 – 38, 40 and 41 are rejected under both 35 U.S.C. §112, first paragraph and 35 U.S.C. §112, second paragraph. The Examiner asserts that each of the claims fails to comply with the enablement requirement under 35 U.S.C. §112, first paragraph, in that “[t]he claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner further asserts that all of the claims are indefinite under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Applicant's Response

Applicant respectfully traverses the Examiner's 35 U.S.C. §112 rejections based in part on the argument that the Examiner has failed to look at the claims as a whole, and that one of ordinary skill in the art would both understand such claims and would find enablement of such claims in the specification. Irrespective, Applicant extends appreciation to the Examiner for suggesting changes to the claims which the Examiner indicates would overcome such rejections.

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Applicant submits that with the amendments made herein, that the Examiner's rejections are mooted. Applicant has taken into account all of the Examiner's suggestions in respect of claim amendments in regard to independent claim 6. As such claim has been amended in the manner suggested by the Examiner, Applicant respectfully asserts that such claim is in condition for allowance. Applicant has reviewed the Examiner's office carefully, and in this response has cancelled claims 7 – 8, 10 – 14, 16, and 18 – 29 which previously depended from claim 6. In respect to claims 9, 16, 17 which remain pending on claim 6, Applicant's review notes no antecedent problems to the extent such claims have been amended. It is asserted that claims 9, 16 and 17 are patentable for at least the reason that they depend from claim 6.

In order to expedite issuance, Applicant has cancelled independent claim 18, and dependent claims 19 – 29 that depended therefrom. Applicant has also cancelled independent claim 41. Thus with respect to such claims, Applicant respectfully asserts that the Examiner's rejection is mooted.

Applicant has also amended independent claim 30, which of the pending independent claims was found to most closely parallel claim 6, in the manner suggested by the Examiner with respect to claim 6. With the amendment made therein, Applicant asserts that such claim is fully supported and distinct as asserted with respect to claim 6. Claims 32 – 33, 37 – 39 and 41 which formerly depended from claim 30 have been cancelled, once more to allow for expedited issuance. Claims 31, 34, 35, 36 and 40 were checked for antecedent basis support in the claims, and are believed to be patentable for at least the reason that they depend on claim 30.

Applicant asserts that each of the claims is fully supported by disclosure in the specification, as noted by the Examiner with respect to claim 6, as well as in the original claims, which forms part of the specification as filed. Applicant disagrees with the Examiner to the extent that the Examiner is asserting that the Applicant must correspondingly delineate to the Examiner every word in the claims and to a corresponding word in the specification as filed. The rules and statutes simply do not place this burden on an Applicant. Applicant notes such proposals have not been implemented by the USPTO and are only incorporated into proposed regulations and pending bills.

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CONCLUSION

Applicant asserts that this response is fully responsive to the Examiner's Office action dated February 8, 2007. Applicant respectfully solicits issuance of the Notice of Allowance and Allowability.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Steven J. Moore', is written over a horizontal line.

Dated: August 8, 2007

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VI. APPENDIX

- No appendix documents are attached